

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:25-cv-22896-KMW

FRIENDS OF THE EVERGLADES, INC., a Florida not-for-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a 501(c)(3) nonprofit organization,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as Secretary of the UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of the UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT; KEVIN GUTHRIE, in his official capacity as Executive Director of the Florida Division of Emergency Management; and MIAMI-DADE COUNTY, a political subdivision of the State of Florida,

Defendants.

and

THE MICCOSUKEE TRIBE OF INDIANS,

Proposed Intervenors.

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to S.D. Fla. L.R. 7.8, Plaintiffs Friends of the Everglades, *et al.* provide notice of the following supplemental authority: *United States v. Sec'y, Fla. Dep't of Corr.*, No. 12-22958-CIV, 2012 WL 6626818 (S.D. Fla. Dec. 19, 2012) (Seitz, J.), attached as Exhibit 1. In *United States v. Sec'y, Fla. Department of Corrections*, the court held:

The events giving rise to the United States' claim are the denials of kosher meals to prisoners who request them. As set out in the complaint, several prisoners in the Southern District of Florida have been denied kosher meals. Thus, harm has occurred in the Southern District of Florida. While Defendants assert that the events giving rise to the claim occurred in Tallahassee, Florida, where the policy decision not to provide kosher meals was made, the policy decision alone does not give rise to the claim; a claim only exists if someone has been harmed by the policy decision. Here, harm has clearly occurred in the Southern District of Florida. Thus, venue is appropriate in the Southern District of Florida under § 1391(b)(2).

Id. at 2 (citing *Jenkins Brick Co. v. Bremer*, 321 F.3d 1366, 1372 (11th Cir. 2003)). The supplemental authority relates to the argument presented in Defendant FDEM's Supplemental Reply in Opposition to Plaintiff's Motion for a Temporary Restraining Order (D.E. 65 at 8) that venue may lie only where NEPA decisions were made rather than where the impacts have been felt.

Dated: July 29, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 29, 2025, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record on the Service List below via transmission of Notice of Electronic Filing generated by CM/ECF.

s/ Paul J. Schwiep

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